

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Raymond Maurice Waddell,

Petitioner,

v.

Civil No. 09-417 (JNE/AJB)
ORDER

Jessica Symmes, Warden,
Oak Park Heights,

Respondent.

This case is before the Court on a Report and Recommendation issued on November 30, 2010, by the Honorable Arthur J. Boylan, Chief United States Magistrate Judge. The magistrate judge recommended dismissing Petitioner Raymond Maurice Waddell's petition for habeas corpus, which was brought under 28 U.S.C. § 2254 (2006), and recommended granting a certificate of appealability. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 40]. Therefore, IT IS ORDERED THAT:

1. Waddell's petition [Docket No. 1] is DISMISSED WITH PREJUDICE.
2. A certificate of appealability is GRANTED, consistent with the Report and Recommendation.

Dated: February 14, 2011

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge